

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

COMMONWEALTH EDISON COMPANY

Application for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 of the Illinois Public Utilities Act, and an Order pursuant to Section 8-503 of the Illinois Public Utilities Act, to Construct, Operate, and Maintain a new 345 kilovolt transmission line in Ogle, DeKalb, Kane and DuPage Counties, Illinois

Docket 13-0657

**CROSS REBUTTAL TESTIMONY OF WILLIAM LENSCHOW - REVISED**

1   **Q:     Can you please provide your name and address?**

2   A:     My name is William Lenschow. My wife and I live at 28917 East County Line Road,  
3   Sycamore, Illinois.

4   **Q:     Have you previously provided prepared testimony in this proceeding?**

5   A:     Yes, I submitted direct testimony on February 14, 2014.

6   **Q:     To what are you responding in this cross rebuttal testimony?**

7   A:     I am responding primarily to the Rebuttal Testimony submitted by Mr. William Deutsch,  
8   Deutsch Ex. 1.00, and I have a brief statement relating to Michael Kenyon's rebuttal testimony.

9   **Q:     What is your response to Mr. Deutsch's testimony?**

10  A:     Starting at line 115, Mr. Deutsch describes an adjustment to ComEd's primary route for its  
11  proposed transmission line. It is depicted on his Exhibit 1.03. If such an adjustment is feasible, I  
12  support this proposed adjustment. Mr. Dauphinais addresses the feasibility of this adjustment from  
13  his perspective as a transmission and routing expert. If it is not feasible, however, then I reiterate  
14  my request for the routing adjustment as described in Mr. Dauphinais' direct testimony as  
15  Adjustment #1.

16  **Q:     Why do you support Mr. Deutsch's proposed adjustment?**

17  A:     This adjustment would move the line even further from my property where I and my  
18  ancestors have had our family dairy operation for over 100 years; and it would, as he states, satisfy  
19  Mr. Deutsch's concerns over the effects of the line in relation to his property and operations, as  
20  well as the concerns of Mr. Kenyon, which I address at the end of my testimony.

21  **Q:     Do you have any concerns or reservations about the feasibility of Mr. Deutsch's  
22  proposed routing adjustment?**

23  A:     Mr. Dauphinais speaks to land use and related factors applicable to the proposed

24 adjustment and believes that the adjustment is a sound one. From my perspective, I have  
25 reservations stemming from the fact that it appears based on my understanding of the route  
26 adjustment's location that the Kane County Forest Preserve District owns much of the land over  
27 which the line and right of way would be located. This includes land that my family formerly owned  
28 and sold to the Forest Preserve District in 2006, as I explained in my direct testimony (Lenschow  
29 Exhibit 1.0, lines 34-37). The path of the line in the adjustment area as proposed by Mr. Deutsch  
30 would be along the perimeter of the Forest Preserve land, which I rent back from the District for  
31 farming. I have no objection to the line along the described path in relation to my farming activities,  
32 which consists of growing crops. My dairy operation is located a good distance to the west across  
33 County Line Road.

34 My reservation about this adjustment is more of an ownership and control issue, not a land use  
35 issue. As I understand it, although I am not an attorney, a public utility like ComEd cannot force the  
36 Forest Preserve District to grant ComEd right of way for the line, that the District is in effect exempt  
37 from a public utility's exercise of eminent domain. This is the case, as I understand it, even if the  
38 ICC orders ComEd to use the adjustment in its routing and authorizes ComEd to utilize eminent  
39 domain power as necessary. I understand that the Forest Preserve District does have the right and  
40 power to grant an easement or other right of way to ComEd for the line if it agrees to do so, but that  
41 it cannot be legally compelled to do so.

42 **Q: Do you know whether the Forest Preserve District would grant the right to ComEd to**  
43 **utilize the Forest Preserve land?**

44 **A:** I understand from a meeting I attended on April 4 that the Board of the Forest Preserve  
45 District is considering whether to do so, but I do not know if it has made a decision.

46 **Q: Do you know what ComEd's position is on the use of Mr. Deutsch's proposed**

47 **adjustment?**

48 A: I do not. Perhaps ComEd can make its position known when it submits its last round of  
49 testimony in this proceeding. I can say that I sincerely hope and wish The Forest Preserve District  
50 and ComEd would both agree to the use of this adjustment. It would alleviate the concerns of both  
51 the Deutschs and my family and I believe achieve a relatively better outcome for all concerned.

52 **Q: What if the Forest Preserve District and ComEd do not reach agreement on the use**  
53 **of the Deutsch adjustment?**

54 A: If the ICC determines that this adjustment is otherwise a superior route segment to all  
55 others that have been proposed, then I would not be opposed to the ICC going ahead and directing  
56 ComEd to utilize that route, and for ComEd to use its best efforts to negotiate the necessary right  
57 of way with the Forest Preserve District.

58 **Q: What if the ICC declines to do so because of the risk that ComEd may not be able to**  
59 **obtain the right of way from the Forest Preserve District?**

60 A: In that event, then I believe Mr. Dauphinais' proposed Adjustment #1 should be adopted,  
61 for all the reasons contained in my direct testimony and Mr. Dauphinais' direct and cross-rebuttal  
62 testimonies. I will add that, concerning the portion of the ComEd primary route that would pass by  
63 along the front of my home and dairy operation along County Line Road, the line would be quite  
64 close. In its response to a data request (WL->ComEd 1.03), ComEd stated that the centerline of  
65 the Primary Route as it would run along the front of my residence and other buildings and dairy  
66 operation would be at least 135 feet west of County Line Road. I have included ComEd's data  
67 request response (WL->ComEd 1.03 Corrected Response, and the attached map) as an exhibit to  
68 this testimony, Lenschow Exhibit 2.1. This places the transmission line in close proximity to my  
69 dairy barn, which houses dairy cows, 2 Harvestore silos, 1 protein bin and automated feeding set-

70 up and my home where my wife and I live. I note also in its data request response that ComEd  
71 apparently plans to install a second pole line in the future in the 135 foot space between the road  
72 and the line that it would install as part of this project. As I stated in my direct testimony, this line  
73 along the route ComEd has proposed, plus possibly one or more additional separate lines and sets  
74 of circuits, will serve to severely disrupt my dairy operation to the extent that I fear we will not be  
75 able to continue to operate.

76 **Q Why is the planned location of the transmission line, if ComEd is permitted to use**  
77 **its proposed Primary Route for the line, which would place it on your property 135 feet from**  
78 **the road, so objectionable?**

79 A Because the line using the ComEd Primary Route would be closer to my home, dairy barn,  
80 and other buildings, and to my cows that roam at the front of our property up to the County Line  
81 Road right of way, than Mr. Dauphinais' proposed Alternative #1 would be to Mr. Deutsch's dairy  
82 farm and residence.

83 **Q: Have you reviewed the testimony of Mr. Kenyon?**

84 A: Yes. I would have no opposition to Mr. Kenyon's proposed adjustment, if it is utilized in  
85 combination with the Deutsch proposed adjustment. Mr. Dauphinais testifies to the Kenyon  
86 adjustment as well. Otherwise, if the Kenyon and Deutsch adjustments cannot be made together,  
87 then I remain in support of the primary route with Mr. Dauphinais' Adjustment #1.

88 **Q: Does this conclude your cross rebuttal testimony?**

89 A: Yes.